

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL E. JACQUES,  
Plaintiff,

v.

JUNG, et al.,  
Defendants.

No. 2:24-cv-0477 SCR P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. §1983. On screening plaintiff's complaint, the court found plaintiff stated potentially cognizable Eighth Amendment and First Amendment claims against defendant Jung and potentially cognizable Fourteenth Amendment claims against all defendants. (June 25, 2024 Order, ECF No. 6.) Plaintiff was given the option of proceeding immediately on the claims found potentially cognizable or amending the complaint. The court provided plaintiff with a form to return within thirty days to notify the court of their choice. Plaintiff was warned that failure to comply with the court's order would result in a recommendation that this action be dismissed.

Thirty days have passed and plaintiff has not filed the Notice on How to Proceed or otherwise responded to the court's June 25, 2024 order.

Accordingly, the Clerk of the Court is HEREBY ORDERED to randomly assign a district judge to this case; and

1 IT IS RECOMMENDED that this action be dismissed without prejudice on account of  
2 plaintiff's failure to comply with court orders. See Fed. R. Civ. P. 41; E.D. Cal. R. 110.

3 These findings and recommendations will be submitted to the United States District Judge  
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days  
5 after being served with these findings and recommendations, plaintiff may file written objections  
6 with the court. The document should be captioned "Objections to Magistrate Judge's Findings  
7 and Recommendations." Plaintiff is advised that failure to file objections within the specified  
8 time may result in waiver of the right to appeal the district court's order. Martinez v. Ylst, 951  
9 F.2d 1153 (9th Cir. 1991).

10 DATED: August 26, 2024

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13 SEAN C. RIORDAN  
14 UNITED STATES MAGISTRATE JUDGE  
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